

REFERENCE TITLE: public supervisors; eligibility violations; penalties

State of Arizona  
House of Representatives  
Forty-eighth Legislature  
Second Regular Session  
2008

## **HB 2632**

Introduced by  
Representatives Pearce, Burges, Groe, Senator Harper

### AN ACT

AMENDING TITLE 38, CHAPTER 1, ARIZONA REVISED STATUTES, BY ADDING ARTICLE 2;  
RELATING TO PUBLIC OFFICERS AND PUBLIC SUPERVISORY EMPLOYEES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:  
2       Section 1. Title 38, chapter 1, Arizona Revised Statutes, is amended  
3 by adding article 2, to read:

4           ARTICLE 2. PUBLIC OFFICERS AND PUBLIC SUPERVISORY EMPLOYEES

5           38-111. Public officers and public supervisory employees:  
6           violations of eligibility requirements; malfeasance;  
7           penalties; definitions

8           A. A PUBLIC OFFICER OR A PUBLIC EMPLOYEE WHO IS IN A SUPERVISORY  
9 POSITION IS SUBJECT TO DISMISSAL FROM OFFICE OR EMPLOYMENT FOR MALFEASANCE  
10 AND IS PERSONALLY SUBJECT TO A CIVIL PENALTY OF UP TO ONE HUNDRED THOUSAND  
11 DOLLARS IF THE PUBLIC OFFICER OR THE PUBLIC EMPLOYEE WHO IS IN A SUPERVISORY  
12 POSITION KNOWINGLY OR WITH RECKLESS DISREGARD FOR THE LAWS OF THIS STATE  
13 EITHER:

14           1. ALLOWS A PERSON TO RECEIVE PUBLIC SERVICES IF THE PERSON IS NOT  
15 LEGALLY ELIGIBLE TO RECEIVE THOSE PUBLIC SERVICES.

16           2. ALLOWS A PERSON TO RECEIVE PUBLIC BENEFITS IF THE PERSON IS NOT  
17 LEGALLY ELIGIBLE TO RECEIVE THOSE PUBLIC BENEFITS.

18           3. ALLOWS A PERSON TO ATTEND A PUBLIC INSTITUTION IF THE PERSON IS NOT  
19 LEGALLY ELIGIBLE TO ATTEND THAT PUBLIC INSTITUTION.

20           B. THE ATTORNEY GENERAL SHALL BRING AN ACTION IN THE NAME OF THIS  
21 STATE TO RECOVER PENALTIES UNDER SUBSECTION A. THE ACTION SHALL BE BROUGHT  
22 IN THE SUPERIOR COURT IN THE COUNTY IN WHICH THE VIOLATION IS ALLEGED TO HAVE  
23 OCCURRED.

24           C. FOR THE PURPOSES OF THIS SECTION:

25           1. "POLITICAL SUBDIVISION" MEANS ALL POLITICAL SUBDIVISIONS OF THIS  
26 STATE, INCLUDING ALL COUNTIES, CITIES AND TOWNS, SCHOOL DISTRICTS, COMMUNITY  
27 COLLEGE DISTRICTS, UNIVERSITIES AND SPECIAL DISTRICTS.

28           2. "PUBLIC EMPLOYEE WHO IS IN A SUPERVISORY POSITION" MEANS ANY OF THE  
29 FOLLOWING PERSONS:

30           (a) A DIRECTOR OR A CHIEF ADMINISTRATIVE OFFICER OF ANY STATE AGENCY,  
31 BOARD OR COMMISSION.

32           (b) A DIRECTOR OR A CHIEF ADMINISTRATIVE OFFICER OF ANY DEPARTMENT OR  
33 DIVISION WITHIN A STATE AGENCY, BOARD OR COMMISSION.

34           (c) A DIRECTOR OR A CHIEF ADMINISTRATIVE OFFICER OF ANY AGENCY,  
35 DEPARTMENT OR DIVISION OF A POLITICAL SUBDIVISION OF THIS STATE.

36           (d) A PRINCIPAL, A HEAD TEACHER OR A CHIEF ADMINISTRATIVE OFFICER OF  
37 ANY SCHOOL WITHIN A SCHOOL DISTRICT.

38           (e) A PRINCIPAL, A HEAD TEACHER OR A CHIEF ADMINISTRATIVE OFFICER OF  
39 ANY CHARTER SCHOOL.

40           (f) A CHANCELLOR OR A CHIEF ADMINISTRATIVE OFFICER OF A COMMUNITY  
41 COLLEGE UNDER THE JURISDICTION OF A COMMUNITY COLLEGE DISTRICT.

42           (g) A PRESIDENT OR A CHIEF ADMINISTRATIVE OFFICER OF A UNIVERSITY  
43 UNDER THE JURISDICTION OF THE ARIZONA BOARD OF REGENTS.